S.B.CRIMINAL MISC. PETITION NO.435/2007
(Dugh Singh & Anr. V/s State of Rajasthan)

Date of order : : 09.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Bhagat Dadhich, on behalf of
Mr.Mridul Jain, for the petitioners.
Mr.Ashok Upadhyay, PP for the State.

Heard the learned counsel for the petitioner as well as learned Public Prosecutor.

The learned counsel for the petitioner states that the petitioner was released on bail vide order dtd.2.9.2006. However, while releasing on bail, the learned Sessions Judge imposed the condition that during the course of investigation as well as during the course of trial, the petitioner will give appearance at the concerned Police Station in first and third week of each month. The learned counsel for the petitioner states that the condition imposed by the learned Sessions Judge is onerous and in such matters this Court should exercise its extraordinary jurisdiction and the conditions imposed by the Sessions Judge should be deleted.

On the other hand, the learned Public Prosecutor states that looking to the conduct of the petitioner, the impugned condition has rightly been imposed and the present misc. petition be dismissed.

I have considered the submissions made by the learned counsel for the parties.

The learned Sessions Judge has imposed condition directing the petitioner to appear before the concerned Police Station during the course of investigation as well as trial in first and third week of each month. During the course of investigation, the presence of the petitioner is required at the Police Station. However, during the course of trial, the presence of the petitioner before the Police Station is not required as the petitioner will appear before the trial Court during the course of trial. Therefore, the condition directing the petitioner to appear before the Police Station during the course of trial is deleted. However, the learned trial Court at the stage of initiation of trial or at any subsequent stage, if consider necessary, may pass appropriate orders regarding giving attendance of the petitioner in

the Police Station during the course of trial after looking to the complete conduct of the accused-petitioner.

With the aforesaid observation, the present misc. petition stands disposed of.

(KRISHAN KUMAR ACHARYA), J.

NK